

Port Orford Free Press

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The Evil Triangle

—Dr. Obscure

It seems every year that a certain group of elitists finds something to create contention in our little community. This year it appears they are going after Emma and PITCH'S Tavern as they continue to spread their cancer.

The group, this time spearheaded by a local coffee shop proprietor, in the fine tradition of the elitist's play book announced with a barely 30 day notice that they intend to close 6th street between PITCH'S and Harbor Dr. on the 4th of July weekend for some kind of kids celebration, passing out free hot dogs or such – claiming “not to be competing in any way with other businesses”, meanwhile making it very difficult for PITCH'S to carry on their normal business activities on their (well known) busiest day of the year – PITCH'S is a tradition for many people in the area over this holiday, and has been for at least 50 years.

Although the proponent made claims of attempting to compromise, the facts don't entirely support those claims.

In the end the City Council voted to allow the closure, but it must be opened at 6PM both days.

There is no doubt, in my opinion, that this is a very aggressive attempt at controlling this piece of our town, and an equally egregious attempt to run off one of Port Orford's oldest and established business concerns – because it doesn't suit 'their' design for how **our** town should look.

I think these people are despicable. It's an Evil Triangle.

City Council Meeting

—staff reporter

The City Council played to a full house Thursday afternoon. Auburn opened with the presentation of a Certificate of Appreciation to Dee and Milton Finch for their continued efforts in the 4th of July Jubilee, and specifically to Milton for being the “Voice of Port Orford” for the past 20 years. Councilor Clancy requested that the council move the request by Maryann Holcomb to New Business where it would be more appropriate, and two other councilors agreed, however Auburn let the presentation stand.

Next on the agenda was to be John Hitt, who did not show. Following was a “presentation” by Maryann Holcomb of One Lump or Two requesting that the council approve the closing of 6th Street between PITCH'S Tavern and Harbor Drive during the 4th of July weekend for a heretofore unscheduled event – with non-specific kids activities, an 'obstacle course' and free hot dogs. [ed: The City Admin and Police Chief have signed off on it, even though directly adjacent property owners were not properly consulted or considered.]

Next was Dave Bassett turning over the presentation of the removal and replacement of the derelict Au Franc building with some sort of non-specific park to Steve Roeman and Brett Webb. Roeman mentioned that there is an heir, a \$92K mortgage and \$10K tax lien, both apparently in foreclosure. An estimate of \$30K to demolish was mentioned. Roeman

suggested the 'park' could display a boat, such as the derelict FV *Pequod* now sitting in the PORT bone yard. Brett Webb discussed a 'bridges' concept whereby the project could provide connections to local businesses, and that it should be done in an open forum for all citizens to participate. Auburn suggested this project “will take years, and things” with the county and banks involved.

The formal **Budget Hearing** was called. There was no written or verbal input from citizens at large, and the hearing was closed.

Citizens Concerns:

Brett Webb, concerning the closing of 6th street that a compromise could be reached or 'cut the baby in half' by sharing the days. **Karen Auburn**, “good to see Au Franc building project”. **Pat Rice**, concerned that the TGM proposal would extend to her properties close to the 101 corridor. **Jack Pruitt**, thinks additions to the agenda be limited to emergency items, and any last minute items should not be voted on until following meeting. **Emma Rosenberry**-PITCH'S Tavern, the closing of 6th street is a hardship for her business, creating unfair parking and general access issues to her establishment.

Departmental Reports

City Admin/Public Works Terrie Richards: A call for volunteers to help with honoring the 2013 agreement with the Watershed Council to weed and water trees planted for 2 years. Call city hall if interested. Also reported on Water Festival held over Memorial Day weekend. Councilor Clancy asked if the presentation from the engineers on the water system was gratis, or included in our fees. Admin responded with “yes, it was free”. Council President Pogwizd wanted to additionally thank County Road Master Dan Crumley for the donation of a dump truck to the city.

Finance Director Dave Johnson – absent on vacation: [Ed: enjoying that 11% raise already?] Councilor Clancy asked about the \$9000 payment to the engineers – Admin stated it was for ongoing work. Council President Pogwizd asked about the \$49K fund transfer between sewer and parks – Admin said it was required due to delayed grant funding, due in July, and payment for work due now.

Police Marvin Combs: Discussed the ROW permit process and how he would like to have more notice to review these in the future – at least 30 days. However, that said, he still agrees with the event at 6th and Harbor.

Teresa Kolibaba had been overlooked by the mayor earlier under Citizens Concerns because she hadn't signed up – the item was moved to the agenda after the meeting started – and requested her time, however he refused to let her speak.

Liaison Reports

Councilor MacLeod – Schools: nothing to report.

Council President Pogwizd – TLT: Some details for year end budget reconciliation.

Councilor Clancy – Fire Board: nothing to report.

Councilor Billings – Parks: Ribbon cutting ceremony for new paths and other grounds improvements set for 12:30 PM July 4, 2014. The Mayor is currently scheduled to cut the ribbon.

Councilor McArdle – Watershed: There was

no quorum, but a lively discussion was had by all. Health: a new nurse practitioner, still no Saturdays. Gold Beach Bldg still looking for a location.

Councilor Schofield – Port: Army Corp of Engineer Sediment Transfer Study results in need for more studies. SCDC rep made presentation on grant for cannery bldg replacement. Met with USDA Rural Development about a “cannery project” using matching 'in kind' funds. Gary Anderson's last official day as PORT Manager is 6/30, retirement party 6/29 at the Legion Hall. ORT: Water festival, Driftwood garden lean-to project. RedFish: nothing to report.

County Commissioner Susan Brown – County passed a new ordinance for '*no transfer on road or street*' specifically to “weed out pan handlers from the true homeless”. [ed: not clear how that is supposed to happen] They are also searching for a new Road Master.

New Business

ROW request for Closure of 6th street on July 4/5th.

The mayor mentioned that both the Admin and Police Chief have approved the request. Councilor Clancy stated that the ROW does not allow for closure of the street, and that 6th Street is not '*Triangle Sq*' despite attempts to rename it otherwise, and it is not a parking lot! “PITCH'S is very concerned about access to their business during their busiest day of the year,” she added. Councilor Billings stated that the council had given rights to the Admin, but thought a compromise should be reached. Council President Pogwizd was disappointed that the parties had not reached an agreement, and as a business owner concerned about access to business, etc.. however, he thought if the closure was from planter to planter, it would not really interfere with PITCH'S operations. Councilor MacLeod agreed with Cheif Combs that more time to consider requests is in order, and pointed out that the council needed to consider that PITCH'S on the 4th of July is a tradition in this town, and people have been going there for generations! Councilor McArdle agreed with the Admin. Councilor Schofield: “in my opinion, it is a parking lot”, and supported the administrative decision. Councilor Clancy pointed out they must consider PITCH'S and suggested the closure end at 3PM each day. Council President Pogwizd suggested he would agree with 6PM, if it was to actually be cleared by 6PM. Maryann Holcomb was invited back to the stand and said she must have it clear again by 6AM, and that she was too busy to handle all the event details herself. Councilor Clancy asked if a food permit had even been obtained to pass out the food? Ms.Holcomb said it was pending. Emma stood from the back to say the beer garden will be at the back of her parking lot, and was finally invited formally into the discussion, at which point she agreed to the 6PM compromise, provided it was truly open at that time. The motion was made by Councilor Billings to agree to the closure until 6PM both days, July 4/5th. Council President Pogwizd seconded the motion and added we need to be business friendly. The Attorney reminded all that as an adjacent property owner Emma had the right to this appeal. The motion passed 6/0. The mayor commented that any cars left would need to be cleared, and are likely just “PITCH'S layovers”, chortling.

Resolution 2014-10, Capitol Reserve Fund

Councilor Clancy made the motion to accept the resolution with the wording amended to clearly state that the fund is for **“existing water lines only”**, and not to be used otherwise. Big Dianne wanted to make an even different and more vague than the original wording change. Council President Pogwizd suggested we “Table it or change it”. The mayor and others continued to argue against the wording, however, Clancy insisted, and with the assistance of the Attorney, an amended resolution with the wording for “existing water lines” was constructed and passed 6/0.

Resolutions 2014-12, Salaries & Wages, 2014-13, Volunteer Workers Comp & 2014-14, Jubilee Events. All passed 6/0 with little discussion.

Resolution 2014-15, Fireworks sale at BRP. The Attorney requested the wording be changed to be more clear – “possession is allowed, but use is not permitted” in BRP. Councilor Clancy motioned as amended, Council President Pogwizd second – passed 6/0.

Resolutions 2014-16, Elections to Receive State Revenue, 2014-17, Authorizing an Internal Loan, & 2014-18, Supplemental Budget, all passed 6/0 with little discussion.

Resolution 2014-11, 2014/15 FY Budget. Council President Pogwizd made a motion to amend the budget and strike the new water/sewer base rate increases of \$2.50/\$2.00, respectively, as well as the \$.50 per usage increase. Pointing out that any perceived savings from not replacing the PW Director has been simply adsorbed with no benefit to our rates. The mayor complained, and things. Big Dianne and the Admin grumbled about the possibility of unemployment costs [ed: btw, there is a \$20K hedge built in to the adopted budget for unemployment costs], with the Admin saying “how long will it take to save up \$15 million in repairs” [ed: is she out of touch with reality here?]. The Admin continued stating she had understood it was a done deal because the committee had recommended it, etc. Council President Pogwizd reminded the Admin that “We must be fiscally responsible”. The motion passed as amended with Dianne and McArdle voting NO.

Resolution 2014-19, TGM Grant Application. Councilor McArdle motioned with Council President Pogwizd second. Councilor Clancy asked what the costs were and the breakdown. The Admin stated that it would be \$63K (\$50K to the consultant), \$8K matching from us, ‘in kind’ using staff and volunteers. She continued that this was triggered by the 2018 ODOT repaving of the 101 Highway, and was an opportunity “to plan now for any changes” the community at large might want. Passed 5/1, Councilor Clancy voting NO.

Citizens Considerations

Jack Pruitt asked about the loan for the repairs of the sewer outflow years ago, and the balance? The Admin will contact him Friday with the information. **Milton Finch** asked if the TGM was another attempt at the “bump outs” reminiscent of the URD we rejected once before? **Bob Clifford** asked about transparency in this administration, and the fact that there has been no update or attempt to keep current any city information one might expect as a citizen, at the library. He also asked about the status of the “water study” he heard about when moving hear and the rate study results as well, as again there are no public

copies available. He mentioned that people in this town have their water shut-off routinely because they cannot pay for it, and told Jim Auburn that “The water study you promised is not what you promised”. The mayor promised to start posting meeting notices at the library. Bob responded “How hard can it be to drop a packet off to the library?”. Councilor Clancy stated she thought it was already being done?

The mayor realized he had missed getting the taxing authorization passed and at this point did so, with Councilor Clancy making the motion based on the amended budget and water reserve fund. The tax rates are 2.2688/K for the city, and 1.90/K for the police levy – at new grand total of \$4.1688 per \$1000 of evaluation.

Back to the citizens... **Gary Wickham** wanted to know the status of the leash law, and was told its part of the dog park. He also asked about the burn ordinance, the admin pointed out there is a statewide burn ban, giving some time to prepare things, and it was not ready as yet.

Staff Considerations, none.

Councilor Considerations.

Councilor Billings wanted to again mention the Jubilee Committee and thanks to Milton. Councilor McArdle agreed with Jack Pruitt on the agenda additions [ed: Really Mr. Bill?], whereby Councilor Clancy reminded everyone of the Mayor doing just that within the past year, and many, many times in the past. The mayor's response was moot.

Port Report

– Staff Reporter

Port Commissioner's meeting was held on Tuesday and the discussions included more specifics about the EDA grant and space use conditions, as well as a discussion on a Marine Board grant to investigate expansion of the port. A resolution to accept the Marine Board grant failed due to wording “up to” whereas the match was a fixed number. They will be contacting the Marine Board about said terminology. All in all the meeting went well with a discussion about attempts to sell *FV Pequod* and re-listing it for sale again at same value. During the initial discussion, both Brett Webb and Dave Bassett abstained from comments due to personal interests in the *FV Pequod*. Their abstention stood until the question was limited to actual advertised sale value at previous price and where to advertise sale. Dave Basset and Brett Webb introduced the concepts of a park they are in hopes of constructing at the Au Franc building location if it is obtained in an expected two years. This site has the potential of having a 44 ft Coast Guard Cutter and the *FV Pequod* submerged to the water lines and accessible for people to board. It is hoped that this project, referred to as “Building Bridges”, will allow for navigation up to Coast Guard Hill Maritime Museum and to the Port while allowing for community growth between the art/artist community, the fleet, and local businesses.

Dredging Debunk

– Brett Webb

Lets inform ourselves before speaking to the dredging issues at the Port of Port Orford shall we? I see more reckless claims in our local papers equating Sanctuary designation to deep water. Nothing could be further from the truth. In fact, dredging within Sanctuaries is FAR MORE DIFFICULT AND EXPENSIVE. According to permitting officer at the Corp of Engineers, its possible spoils would have to be dumped outside of the Sanctuary at Port Orford. (33 miles west) After all, why would a program whose mandate is "resource protection" want to

help with something as unnatural as dredging?

The Port of Port Orford has maintained a lobbyist in Washington DC for many years. This investment, and the efforts of Congressman DeFazio, Rep. Kreiger, and Commissioner David Brock Smith, among many others has brought to fruition the changes that ensure dredging for Oregon ports, and in particular, “small ports” like Port Orford.

For many years, the Harbor Maintenance Tax (HMT) has not been used for its intended purpose (surprise). This has been the core problem regarding funds to dredge Port Orford. With the recent passage of the Water Resources Reform and Development Act (WRRDA) the HMT must be used in accordance with the purpose for which it is collected. Below are more specifics.

1. WRRDA gets the full-use of Harbor Maintenance Tax (HMT) revenue by 2025. This means that if \$1.8 billion is collected in HMT per year, all of the revenue will be spent on dredging and related uses. In the past few years, only \$800 million to \$1 billion of that amount has been spent on its intended purpose.

2. Small ports will receive 10% of all HMT revenue spent on USACE O&M activities for the first 8 years of the bill (we will work down the line to extend this). This guarantees at least \$90 million for small ports each year, which we calculate to be even more than the record amount that the Corps has announced it is planning on spending on small port dredging this coming year. And in year #8, small ports will receive even more – roughly \$160 million.

IMPORTANT: The small port set-aside means that in year one, small ports will receive at least \$90 million. To put this in perspective, small ports received roughly \$79 million from the additional pots of money in the FY14 work plan (\$40 million coming from the pot of money dedicated solely to small ports and roughly \$39 million for small ports from the other pots of money, e.g. the deep draft pot). We have been told by Appropriations Committee staff that FY14 was the high-water mark for the additional pots of money – while the additional pots are the new norm, the expectation is that less money will be appropriated for the additional pots going forward, and less money (less than \$79 million) would have gone to small ports – absent the new set-aside – in FY15 and beyond. In short, small ports score big.

Who pays this Tax? This Tax (HMT) is imposed on imports. Taxation of exports was found to be unconstitutional in 1998 leaving importers of goods to our country to pay for the infrastructure that they enjoy.. Wait,, not the fishermen? Not those living in our Port tax district? Not even U.S. tax payers?

This year, \$1.265 million will be spent dredging here in Port Orford alone. About \$400,000 more than ever. Feel free to ask for further explanation regarding the dredging issues facing the Port of Port Orford and local fishermen before making any assumptions. The Port Commission serves YOU!! Come ask questions to help inform yourselves. We meet on the third Tuesday of each month, at 6 p.m. ,City Hall.

Notice

All submissions to the *Port Orford Free Press* must be made by email, in text only format – all other forms will be rejected.

Email submissions to:

PortOrfordFreePress@gmail.com